

### **REMARKS**

The Office Action of October 18, 2007 has been carefully reviewed and considered by the Applicants. All independent claims (claims 9, 12, 18, 19 and 21) have been amended in order to further clarify the claimed disclosure. Reconsideration and continued examination of the application is hereby respectfully requested.

#### **The Office Action**

The Examiner rejected claims 9, 10, 12 and 18-22 under 35 U.S.C. §103a as being unpatentable over Simon et al. (U.S. Publication No. 2002/0040375). The Examiner also rejected claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicant regards as the invention. The Applicants respectfully traverse for at least the following reasons.

#### **The Cited Art**

Simon discloses a system and a method for organizing digital images on a page. Simon is directed towards a system software product and method for organizing a plurality of digital images in a predetermined page format. The digital images are grouped in a plurality of different page layouts. The page layouts are analyzed in accordance with predetermined criteria. Finally, a page layout is selected based on the predetermined criteria. The primary goal of Simon is to optimize a page layout that minimizes the cost function where the cost function is equal to the white space on the page.

#### **The 112 rejection**

The Examiner will appreciate that claim 1 has been canceled. Claim 1 was canceled in the Response After Final dated August 7, 2006 and the subsequent RCE dated August 14, 2006. It is assumed that the Examiner intended to reject claim 9, seeing as the Examiner referenced the language of claim 9 in the rejection. The Examiner will also appreciate that claim 9 has been amended to eliminate the phrase "document data" in order to further clarify the claimed disclosure. In light of such, it is respectfully requested that the §112, second paragraph rejection be withdrawn.

**The amended independent claims 9, 12, 18, 19, 20 and 21 are not unpatentable over Simon.**

The Examiner rejected all independent claims as being unpatentable over Simon. The Examiner will appreciate that all independent claims have been amended and are currently in condition for allowance for at least the following reasons.

All independent claims now state or give reference to a matrix of weights that give the contribution for each value property to each intent. This amendment gains support in paragraph 23 on page 2 of the specification.

Examiner acknowledges that Simon does not explicitly disclose a document intent factor. However, the Examiner states that Simon teaches optimization of page layouts through minimized cost function which suggest a document intent vector. Applicants respectfully disagree that Simon suggests a document intent vector. However, even if Simon does suggest a document intent vector, Simon does not suggest that the document intent vector includes or is derived from a matrix of weights that give the contribution of each value property to each intent. Therefore, it is respectfully requested that the rejection to these independent claims be withdrawn.

Dependent claims 10, 20 and 22 are dependent from claims 9, 19 and 21 respectfully. Therefore, these claims are also in current condition for allowance due to the reasons stated above. It is hereby requested that the rejections to these claims also be withdrawn. Therefore, it is submitted that all claims remaining in the application are currently in condition for allowance.

### CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 9, 10, 12 and 18-22) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

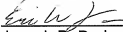
No additional fee is believed to be required for this Amendment. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

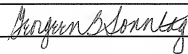
In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Joseph D. Dreher, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP

February 20, 2008  
Date

  
Joseph D. Dreher, Reg. No. 37,123  
Eric W. Lee, Reg. No. 58,857  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

<u>CERTIFICATE OF MAILING OR TRANSMISSION</u>	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input checked="checked" type="checkbox"/>	deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
<input type="checkbox"/>	transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.
Express Mail Label No.:	Signature: 
Date: February 20, 2008	Name: Georgeen B. Sonntag